

IN THE COURT OF MS. RANA KANWARDEEP KAUR CHAHAL,
ADDL. SESSIONS JUDGE, KAPURTHALA (UID NO.PB00223)

CNR No. PBKP010041542024



Case No. BA/1732/2024

Presented on : 27-08-2024
Registered on : 28-08-2024
Date of Order : 12.09.2024
Next date of hearing : 19.09.2024

1. Sarbjit Kaur @ Solanni, w/o Ramandeep Singh, d/o Darshan Singh, aged about 20 years, r/o Village Karal Kalan, PS Sadar, District Kapurthala;
2. Jyoti, w/o Sagar, aged about 40 years, r/o Village Karal Kalan, PS Sadar, District Kapurthala.

....Applicants/accused

Versus

State of Punjab.

....Respondent

FIR No.38 of 05.04.2024,
U/S 307, 326, 323, 324, 452, 427, 506, 148, 149 of IPC,
Police Station Sadar Kapurthala, District Kapurthala.

[Application for Bail U/s 482 of BNSS]

Present: Shri Vipin Sabharwal, Advocate, for applicants/accused.
Sh.APS Dhillon, Addl. PP for the State.

ORDER:-

1. The above named applicants/accused have filed this bail application under Section 482 of BNSS in a case bearing FIR No.38 of 05.04.2024, U/S 307, 326, 323, 324, 452, 427, 506, 148, 149 of IPC, Police Station Sadar Kapurthala, District Kapurthala

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 12.09.2024

2. Upon notice, Sh.APS Dhillon, Additional Public Prosecutor appeared on behalf of State.

ARGUMENTS BY LD. COUNSEL FOR APPLICANTS/ACCUSED:-

3. The learned Counsel for the applicants/accused has argued in the lines of bail application. He has submitted that police has registered the present false case against the applicants although they are innocent and have not committed any alleged offence. They are not having any connection with the alleged occurrence. Co-accused Rani and Darshan Singh are already on bail in this case. As per FIR, neither any act nor any injury has been attributed to the applicants. There is no direct or indirect evidence against the applicants and they have nothing to do with the commission of alleged offence. Moreover, applicants/ accused are ready to join the investigation and undertakes to abide by the conditions to be imposed by the Court and prayed that their bail application be allowed.

ARGUMENTS BY LD. ADDL. PUBLIC PROSECUTOR:-

4. On the other hand, the learned Addl. P.P for the State has vehemently argued that as allegations against the applicants/accused are grave in nature and their custodial interrogation is necessary and they do not deserve the concession of anticipatory bail. Accordingly, a prayer is made for dismissal of the bail application.

5. Further, ASI Puran Chand had appeared and suffered a statement that as per the record, no bail application under provisions of Section 438 Cr.P.C. or 439 Cr.P.C. has been filed before the Hon'ble High

Court or decided by it or by any other Superior Court against the present applicants/ accused in the present case. He has further stated that proclamation against applicants/ accused were effected and intimation of the same was also sent to the concerned police station on 10.07.2024 by the learned lower court.

6. I have heard the learned counsel for applicants/ accused and learned Addl.PP for the State and have also gone through the record.

7. Record perused. Perusal of record shows that the present FIR in question has been registered at the instance of complainant Kuldeep Kumar with the allegations that his father Darshan Pal told him that their co-villager Sagar is using abusive language towards him without any reason. He is also having a doubt that father of complainant will involve him in a NDPS Act case. On 05.04.2024 at about 08.39 AM, complainant asked Sagar about his aforesaid behavior then, he used abusive words towards him and also threatened him. Then, at about 09.00 AM, when complainant Kuldeep Kumar along with his brother was present outside his house, aforesaid Sagar armed with khanda, Darshan armed with iron pipe, Rani wife of Darshan empty-handed, Sarabjit Kaur daughter of Darshan empty-handed and Jyoti wife of Sagar armed with wooden stick, came there while using abusive words towards complainant party. Then, Rani raised a slogan and on which, Sagar gave his khanda blow, which hit on the neck of Lakhwinder Singh brother of complainant. However, when both brother rushed inside their house and tried to closed

their gate, all the aforesaid assailants forcibly entered into their house. Then, Darshan gave his iron pipe blow at the head of complainant and when mother of complainant tried to rescue them, then Sarabjit Kaur gave brick bat blow at the chin of mother of complainant. Then Jyoti wife of Sagar gave wooden stick blow, which hit on the right arm of mother of complainant. Due to severe injuries received by Lakhwinder Singh, they raised clamour and all the assailants ran away from the spot while using abusive words towards them. They also threatened the complainant party while leaving the spot. All the injured were admitted in Civil Hospital Kapurthala by the villagers. The brother of complainant was referred to Jalandhar for better treatment. In the hospital, complainant was informed telephonically by his wife Nisha Rani that the aforesaid assailants were again came at the house with some unknown associates. They also damaged their vehicles, gate and other articles while entering illegally into their house and left the spot while threatening them. In view of these allegations, the present FIR was registered. During investigation proceedings, sections 307, 326 and 201 of IPC were also added in the present FIR. Moreover, proclamation proceedings were also initiated against applicants/ accused. Thereafter, challan was presented before the Court against accused Darshan Singh @ Sokha, Rani and Sagar.

8. While hearing the bail application, it is well settled law that Court is not required to appreciate and scrutinize the evidence in detail. However, for deciding such application, nature of offence, manner in

which it is alleged to have been committed, role attributed and also other circumstances are required to be considered.

9. So, in view of above facts and circumstances, without going into the merits of the case, this Court is of the considered opinion that before deciding this bail application on merits, it is appropriate to direct the applicants/accused to join investigation which would be beneficial for further progress of investigation. As such applicants/accused are directed to join investigation within 07 days from today by surrendering before the IO/SHO of Police Station Sadar Kapurthala Lodhi, District Kapurthala in the event of arrest of applicants/accused, such Arresting Officer is directed to release them on interim bail in this case, on their furnishing bail bonds/surety bonds to his satisfaction subject to the conditions under Section 438(2) Cr.P.C. Now to come up on **19.09.2024 for awaiting report of I.O. regarding joining of investigation by applicants/accused.** Police record be returned and be produced again on the date fixed. Lower court record be also returned along with copy of this order.

Pronounced on:

Dated:12.09.2024

Kaushal

**(Rana Kanwardeep Kaur Chahal),
Addl. Sessions Judge,Kapurthala.
(UID No.PB00223)**

Rana Kanwardeep Kaur Chahal,
ASJ/Kapurthala.
Dated 12.09.2024

CIS No.	BA/1732/2024
CNR No.	PBKP010041542024

Present: Shri Vipin Sabharwal, Advocate, for applicants/accused.
Sh.APS Dhillon, Addl. PP for the State.

Arguments heard. Vide my separate detailed order of even date, the interim bail is granted to applicants/accused as stated therein. Now to come up on **19.09.2024** for **awaiting report of I.O. regarding joining of investigation by applicants/accused**. Police record be returned and be produced again on the date fixed. Lower court record be also returned along with copy of this order.

Pronounced on:
Dated:12.09.2024
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